



Congress of the United States
House of Representatives
Washington, DC 20515

January 23, 2003

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Powell

I was hoping to see you at the World Economic Forum in Davos this week, but understand that you will be unable to attend. I want to briefly follow up on our previous conversations regarding exhaustion of the 310 area code.

As we discussed in December 2002, a key policy is to adhere to the November 24, 2003 deadline for implementing local number portability without any modifications. I would also like to strongly encourage you to grant the California Public Utility Commission's request to change the "contamination level" below which carriers must share their thousands-number blocks. If granted, the CPUC's request would provide approximately 200,000 numbers.

You may be aware that the wireless industry is objecting to the CPUC's application for a technology-specific overlay in so far as it includes cell phone customers. I have asked CPUC Commissioner Loretta Lynch to modify it to exclude these customers. In order to compensate for this possible change and reduction in numbers, however, I am hoping that a study can be conducted to identify exactly how many machine-only numbers could be gained through an overlay that did not include cell phones.

Finding effective solutions to the problem of area code exhaustion that exists throughout the nation remains a huge priority for me and my constituents and we need your help.

Regards,

JANE HARMAN

Congress of the United States
Washington, DC 20515

December 20, 2002

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CPUC TSO Technology-Specific Overlays Petition
CC Docket No. 99-200

Dear Chairman Powell:

We are writing to urge the Commission to deny requests from states requesting the authority to implement technology-specific overlays ("TSOs") that would require a "take-back" of wireless numbers. TSOs, or service overlays ("SOs") that establish a new overlay area code for wireless services are unnecessary in the current numbering environment, and would unduly harm wireless customers, particularly where there is a "take-back" of customers' existing numbers. Such a discriminatory overlay and "take-back" of wireless numbers would be anti-competitive and would run counter to the FCC's thoughtful record of opposition to discriminatory numbering rulings.

As recent projections by the North American Numbering Plan Administrator ("NANPA") indicate, the Commission's numbering conservation measures to date have helped to ensure that numbering resources are used efficiently and extended the projected dates for area code exhaust. In recent 2002 estimates, NANPA has extended the projected exhaust date for approximately 215 area codes, some by as much as twelve years. We commend the Commission for effectively implementing numbering resource optimization measures such as number pooling. In light of the effectiveness of these measures in addressing numbering exhaust, we urge the Commission to refrain from implementing any plan that would require the drastic measure of taking back a consumer's wireless number.

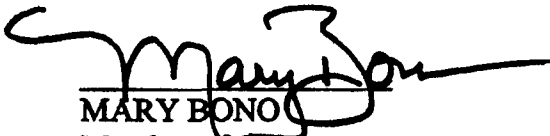
In particular, we strongly advise against authorizing a TSO that would require wireless customers who currently have numbers to involuntarily relinquish their existing numbers and be assigned a new number from the overlay code. Such a "take-back" would unfairly and adversely impact wireless customers, requiring them to have their phones reprogrammed and potentially even suffer service cut-offs. Further, such a TSO also has serious anti-competitive ramifications because only wireline customers would have access to numbers in the old area code.


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As of November 24, 2002, wireless carriers began participating in number pooling, which has already helped alleviate the demand for numbers. As the Commission recognized, the "benefits of number pooling are enhanced when a larger number of carriers are able to participate in pooling within an NPA, which *diminishes the need to restrict access to the SO* to a subset of users of numbering resources."¹

In light of these facts, we urge the Commission to deny requests for TSO authority that would impose adverse impacts on customers, by "taking-back" wireless numbers.

Sincerely,


MARY BONO
Member of Congress


GEORGE R. RADANOVICH
Member of Congress

CC: Commissioner Abernathy
Commissioner Copps
Commissioner Martin
Commissioner Adelstein
Jim Schlichting - Wireless Bureau
David Furth - Wireless Bureau
Bill Maher - Wireline Bureau
Diane Griffen - Wireline Bureau.

¹ NRO Third Rep and Order at para. 87 (Emphasis added).